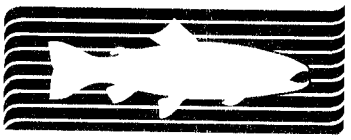
CALIFORNIA TROUT



KEEPER OF THE STREAMS

October 22, 2002

Mr. Paul Marshall
California Department of Water Resources
Bay-Delta Office
1416 Ninth Street
PO Box 942836
Sacramento CA 94236-0001

Subject: Scoping Comments, South Delta Improvements Program (SDIP)

Dear Mr. Marshall:

On behalf of California Trout, I am submitting comments on the SDIP, based on the information provided at your October public scoping meetings and based on information published by your department. California Trout is a statewide fisheries conservation organization established in 1971with a long history of involvement in fishery and public trust issues.

Our organization, in collaboration with numerous environmental and fishery organizations, strives for a California water management environment which places an increased reliance on cost-effective water conservation, water reclamation, water quality, desalinization, water transfer, groundwater storage, and marginal farmlands retirement programs to accommodate California's future water needs – as alternatives to continuing the past practices of building more surface storage and increasing diversions from the Bay-Delta. We believe that the cumulative impact of successful "smart growth" programs such as the type outlined above will accommodate California's predicted growth and allow reduced diversions out of the Delta.

With that vision in mind, our concerns can be summarized in a single question:

> "How can you expect to improve current Delta water quality issues and delta fishery and habitat issues while increasingly relying the water diversions which caused these same issues?"

We know from experience with the Bay-Delta that engineering solutions have their limits and their harmful, unanticipated consequences; we believe that increased diversions will continue that harmful trend.

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More specifically, our concerns that must be fully addressed in the EIS/EIR are as follows:

1. CALFED's modeling studies have shown that expanded pumping capacities will result in higher levels of take of endangered species than has historically occurred in most years. The EIS/EIR needs to address these modeling results and attempt to explain how the increased pumping capacities will not continue to harm at risk species.

2. One of the CALFED ROD prerequisites for increased exports is the construction of state-of-the-art fish screens at the pumps. The construction of these screens has been delayed by reduced funding and may not exist by the time you are prepared to increase the pumping rates. This creates the untenable situation of increased pumping without the prerequisite fish screens. This condition should not be allowed to occur and the subject needs to be addressed in the EIS/EIR.

3. The CALFED ROD is also based on a group of management actions that are intended to provide a level of environmental and fishery protection in tandem with any plans to increase pumping capacities. These preconditions, listed below, must be achieved before any consideration of changing pumping capacities south of the Delta:

   - Full implementation of the CVPIA (b)(2) requirement of 800,000 acre-feet of flows for fisheries.
   - Full implementation of the Environmental Water Account, including the required funding.
   - Increased stream flows necessary to implement the targets of the Ecosystem Restoration Program.

   Currently, none of these conditions is being met, in violation of the concept of a balanced implementation.

4. Increased export pumping will degrade habitat and water quality conditions downstream of the pumps by further reducing fresh water outflow to the Bay. Water quality standards for the Bay-Delta are not currently being achieved; the EIS/EIR must show how water quality standards can be achieved if pumping capacities are increased and how the requirements of the Clean Water Act and the Porter-Cologne Act are going to be met.

5. In the examination of alternatives for the EIS/EIR, the opportunity for a significant farmland retirement program must be examined. The potential for the retirement of more than 200,000 acres of marginal, drainage-impaired farmland

from the Westlands Water District alone presents an opportunity to reduce the pressure for pumping from the Delta. It would help achieve an objective of reduced diversions from the Delta as well as contribute to the restoration of the Trinity River system through a reduction of water needs south of the Delta.

California Trout appreciates the opportunity to provide these comments and recommendations as you go forward with your planned EIS/EIR. We believe that the department can lead the way in accomplishing "smart growth" for California's water management future, and we look forward to working with you in the direction we have described.

Nick Di Croce
Board of Governors